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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,596	03/17/2004	Naoki Tsunoda	250526US2	1920
22850 7590 10/18/2007 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER NGUYEN, LUONG TRUNG	
			ART UNIT 2622	PAPER NUMBER
			NOTIFICATION DATE 10/18/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/801,596

Applicant(s)

TSUNODA, NAOKI

Examiner

LUONG T. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

1. The allowance of claim 4 as indicated in Office Action made on 4/23/2007 has been withdrawn due to the newly founded reference Ejima et al. (US 2003/0103148). Therefore, the Office Action made on 4/23/2007 has been withdrawn. However, upon further consideration, a new non-final action sets forth below.

Claim Objections

2. Claims 4-9 are objected to because of the following informalities:

Claim 4 (line 1), "image scanning apparatus" should be changed to --An image scanning apparatus--.

Claim 4 (lines 13-14), "second character data" should be changed to --the second character data--.

Claim 5 (line 2), "her includes" should be changed to --further includes--.

Claims 5-9 are objected as being dependent on claim 4.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

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international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 4-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Ejima et al. (US 2003/0103148).

Regarding claim 4, Ejima et al. discloses an image scanning apparatus for scanning image data, comprising:

an image data scanning section (CCD 20, figure 6, page 4, [0073]);

a sound recording section (microphone 8, figure 6, page 4, [0080]) for recording sound data;

a character inputting section (touch tablet 6A and pen 41, figure 6, page 5, [0099]; page 7, [0127] - [0130]) for inputting second character data;

a display selecting section (LCD 6, figures 6, 9, 11-16; page 11, [0177] - [0184]) for displaying unitarily an item of additional information to be added to image data taken by said image data scanning section and a content corresponding to said item, and for selecting the displayed additional information and updating the selected additional information;

a recording medium (memory card 24, figure 6, [0129], [0130], [0154], [0211]) for recording as one file the additional information attached as a header of the image data taken in the image scanning section (memory card 24 stores line drawing data as one file, [0211]);

wherein said additional information is composed of at least one of first character data previously set, the sound data recorded in said sound recording section and second character data inputted in said character inputting section (pages 8-9, [0134], [0149], page 14, [0215], [0216]);

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said display selecting section further includes a sound inputting-updating portion for updating at least one portion of a composition of the selected additional information to the sound data recorded in the sound recording section (figure 27, a new sound is inputted by the user through microphone 8 (i.e. updated), page 14, [0223] - [0230]), and

the additional information selected and updated in the display selecting section is attached as the header of the image data taken in the image scanning section and is recorded in the recording medium as the one file (page 13, [0209] - [0213]).

Regarding claim 5, Ejima et al. discloses wherein said display selecting section further includes a character inputting-updating portion for updating at least one portion of a composition of the selected additional information to the second character data inputted in the character inputting section (page 13, [0209] - [0213]) is readable and/or editable in an outside device (figures 13-16, page 11, [0181]), and

wherein the additional information selected and updated in the display selecting section is attached as the header of the image data captured in the image scanning section and is recorded in the recording medium as the one file (page 13, [0209] - [0213]).

Regarding claim 6, Ejima et al. discloses wherein said display selecting section further includes a character inputting-updating portion for updating at least one portion of the first character data constituting the selected additional information to the second character data

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inputted in the character inputting section (page 13, [0209] - [0213]) is readable and/or editable in an outside device (figures 13-16, page 11, [0181]), and

wherein the additional information selected and updated in the display select section is attached as the header of the image data taken in the image scanning section and is recorded in the recording medium as the one file (page 13, [0209] - [0213]).

Regarding claim 7, Ejima et al. discloses wherein said first character data is inputted from an outside area (the memo information is input to the touch tablet 6A by the pen 41, figures 6, 14-16, page 7, [0127] - [0130]).

Regarding claim 8, Ejima et al. discloses wherein said recording medium is attachable and detachable (removable memory card 24, figure 6, page 4, [0068]).

Regarding claim 9, Ejima et al. discloses wherein the additional information attached as the header of the image data taken in the image scanning section and recorded as one file in the recording medium (page 13, [0209] - [0213]) is readable and/or editable in an outside device (figures 13-16, page 11, [0181]).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T. NGUYEN whose telephone number is (571) 272-7315. The examiner can normally be reached on 7:30AM - 5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID L. OMETZ can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LN
10/15/07



LUONG T. NGUYEN
PATENT EXAMINER